

Notice of Allowability

Application No.

09/809,728

Examiner

Robert M. Pond

Applicant(s)

HANKS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE entered on 18 October 2005 and Examiner's Amendments Paper #20060107.
2. ☒ The allowed claim(s) is/are 1-10, 13-16, and 39-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060107</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven D. Lawrenz Reg. #37,376 on 09 January 2006.

Allowed Claims

Claims 1-10, 13-16, and 39-42 are allowed over the prior art of record. Claims 11, 12, 17-38, 43, and 44 were canceled as a result of this Examiner's amendment.

In the Claims

The following changes to the claims entered on 18 October 2005 have been approved by the Examiner and agreed upon by the Applicant:

- Claim 1, line 15, delete "the largest rank value;" and insert therefore:
- -a largest rank value;- -
- Claim 1, line 17, delete "identified rank" and insert therefore: - -largest rank- -

- Claim 2, line 2, delete "identified rank" and insert therefore:
- -largest rank- -
- Claim 2, line 3, delete "identified rank" and insert therefore:
- -largest rank- -
- Claim 3, line 2, delete "identified rank" and insert therefore:
- -largest rank- -
- Claim 9, line 1, delete "whose contents" and insert therefore:
- - having instructions to- -
- Claim 9, line 3, delete "by:" and insert therefore: - -comprising:- -
- Claim 9, line 14, delete "the largest" and insert therefore: - -a largest- -
- Claim 9, line 17, delete "identified rank" and insert therefore: - -largest
rank- -
- Delete claim 10 in its entirety and insert therefore:
- -10. A method in a computing system for displaying consumption
information about items, comprising:
in the computing system, from a current sales ranking for each of a
plurality of items and one or more previous sales rankings for each of the
plurality of items, the current sales rankings reflecting sales of each item
during a recent distinguished time period and the previous sales rankings
reflecting sales of each item during one or more time periods preceding
the distinguished time period, attributing to at least a portion of the plurality

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of items a score characterizing the increase in the sales ranking of the item; and

in the computing system, generating a display incorporating at least a portion of the attributed scores and the corresponding items.- -

- Delete claims 11 and 12 in their entirety.
- Claim 13, line 2, delete "consumption ranks" and insert therefore: - -sales rankings- -
- Claim 14, line 2, delete "consumption ranks" and insert therefore: - -sales rankings- -
- Claim 15, line 2, delete "consumption rank" and insert therefore: - -sales rankings- -
- Delete Claim 16 in its entirety and insert therefore:
- -16. A computing system for displaying consumption information about items, comprising:

a scoring subsystem that, from a current sales ranking for each of a plurality of items and one or more previous sales rankings for each of the plurality of items, the current sales rankings reflecting sales of each item during a recent distinguished time period and the previous sales rankings reflecting sales of each item during one or more time periods preceding the distinguished time period, attributes to at least a portion of the plurality of items a score characterizing the increase in the sales ranking of the item; and

a display generation subsystem that generates a display incorporating indications of at least a portion of the attributed scores, together with indications of the corresponding items.- -

- Delete Claims 17-38 in their entirety.
- Claim 39, line 2, delete "consumption rank" and insert therefore: - -sales ranking- -
- Claim 40, line 3, before "period" delete "consumption" and insert therefore: - -distinguished time- -
- Claim 41, line 2, delete "consumption rank" and insert therefore: - -sales ranking- -
- Claim 42, line 3, before "period" delete "consumption" and insert therefore: - -distinguished time- -
- Delete claims 43 and 44 in their entirety.

In the Specification

The Specification entered 04 June 2001 is amended as follows:

- Page 2, line 24, delete "DETAILED DESCRIPTION" and insert therefore: - -SUMMARY- -
- Page 3, line 14, after "1800%." insert therefore: - -Another such formula involves dividing the difference between the current ranking value for an item and the largest ranking value for the item over the course of the past day by the largest ranking value for the item over the course of the past

day. Using this formula, if the current ranking value for an item is 5, and its ranking value for the past day has varied between the extremes of 5 and 95, the item's score is $(95 - 5) / 95$, or .947, which may also be expressed as 94.7%.- -

- Page 4, after line 11 and before line 12, insert therefore: - - DETAILED DESCRIPTION- -
- Page 4, line 28, delete "172" and insert therefore: - -173- -
- Page 5, line 1, delete "173" and insert therefore: - -172- -
- Page 6, line3, after "item," and insert therefore: - -here artist and title,- -
- Page 7, line 17, delete "recently" and insert therefore: - -recent- -
- Page 7, line 21, delete "132" and insert therefore: - -432- -

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The field of the invention pertains to sales and presenting sales information reflecting sales acceleration of selected sales items over a distinguishable period of time so that consumers can view sales trends of a sales item.

Claims 1, 10, and 16: no prior art of record discloses nor teaches a system and method that scores sales items based on sales acceleration over a distinguishable period of time. Specifically, no prior art of record displays to a user how quickly a sales item is accelerating in sales ranking over a period of time.

Prior art Amazon.com does not teach or suggest the claimed subject matter. Amazon.com teaches the Assignee's system ranking sales items but does not disclose determining and displaying to users an increase in sales ranking or acceleration of sales ranking.

Amazon.com does not provide a motivation to combine with FAST50. FAST50 pertains to ranking technology companies based on growth over a predetermined period of time and does not specifically disclose or suggest displaying an increase or acceleration in sales ranking. Neither Amazon.com alone nor Amazon.com in combination with FAST50 teach and suggest determining and displaying the increase in sales ranking of a sales item.

Prior art patent US 6,064,690 (Jacobi) pertaining to aspects of the claim subject matter was issued to the Assignee less than one year prior to the filing of the instant application and does not teach and suggest displaying to a user a rate of increase of a sales item's sales ranking.

Prior art patent US 6,963,850 (Bezos) is the closest prior art and was issued to the Assignee on 08 November 2005. Bezos discloses ranking products based on sales velocity and the acceleration of the sales velocity (i.e. rate of increase of a sales ranking).

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
January 9, 2006